

REMARKS

Claims 1-21 are pending. Claims 1-12 and 17-19 have been amended. Claims 1-6 and 8 have been amended to recite “compound” and to delete “benzenesulfonamide derivative.” Claims 18 and 19 have been amended to delete “preventing.”

Claim 5 has also been amended to recite compounds of the examples not previously claimed. Specifically, claim 5 has been amended to add the compounds of Examples 1-11, 1-13, 1-14, 1-18, 1-33, 1-35 and 1-38.

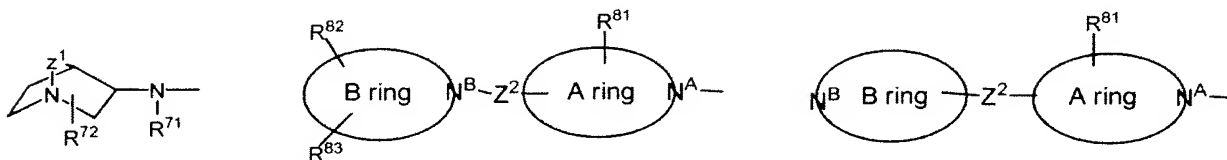
Claims 21 and 22 are new. Support for claims 21 and 22 is found, for example, in the specification at page 30, line 31 to page 31, line 2.

Finally, the claims have been amended in response to the Requirement for Restriction, as discussed in detail below. No new matter is added by the amendments.

The Examiner has required restriction under 35 U.S.C. § 121 and 372 to one of thirteen groups. (Office Action, pages 2-3).

This is a § 371(c) application, therefore, PCT Rules 13.1 and 13.2 for lack of unity of invention apply. *See* MPEP § 1850. Under Rule 13.1, an invention or group of inventions satisfy the requirement of unity of invention when the invention or inventions are “so linked as to form a single general inventive concept.” Unity of invention exists when there is a “technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features.” PCT Rule 13.2; MPEP § 1850.

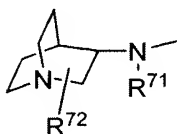
Applicants traverse the Requirement for Restriction for the following reasons. Applicants discovered through experimentation that bicyclic, nitrogen-containing substituents at the sulfonamide position of the claimed compounds, including but not limited to bridged bicyclic or bicyclic linked by zero to three carbon atoms, provide compounds with CCR3 antagonistic activity. This relationship represents “a single general inventive concept” under PCT Rules 13.1 and 13.2. This relationship is represented by the following groups recited in the definition of R⁴ in Formula (I):



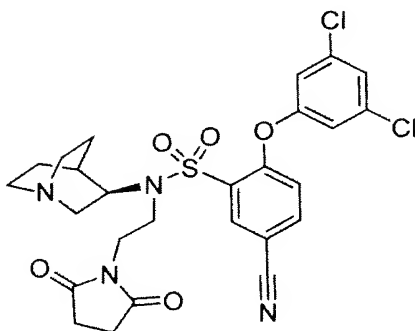
These groups reflect the result of the inventors' discovery that a relationship exists between CCR3 antagonistic activity and the bicyclic structure of the sulfonamide group of the compounds of the instant claims. Many examples in the specification demonstrate this structure-activity relationship. For example, see Examples 1-1, 1-11, 1-13, 1-14, 1-18, 1-32, 1-33, 1-34, 1-35, 1-38, 1-44, 1-45, 1-46 and 3-1 of the specification. For these reasons, Applicants request that the Examiner withdraw the Restriction Requirement as between Groups I, V, VIII and XI because they are linked by a common, distinctive structural feature which relates to the desired biological activity of the compounds of the instant claims. The common structural features described above, as a whole, represent a contribution over what is present in the prior art in accordance with the unity of invention requirement under PCT Rules 13.1 and 13.2. *See* MPEP § 1850 ("The expression "special technical features" is defined in PCT Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art."). Therefore, Applicants request that the Examiner withdraw the Restriction Requirement as between Groups I, V, VIII and XI, and request that such groups be examined in this application.

Claims 1-5 have been amended to delete compounds not within Groups I, V, VIII and XI. No new matter is added by the amendments.

In order for this response to be complete, Applicants provisionally elect with traverse group I, consisting of claims 1-19, wherein R⁴ represents:



In addition, Applicants provisionally elect with traverse the following species to be examined: (R)- N-(1-aza-bicyclo[2.2.2]oct-3-yl)-N-(2-(2,5-dioxopyrrolidin-1-yl)ethyl)-5-cyano-2-(3,5-dichloro-phenoxy)-benzenesulfonamide, which has the structure



This compound is Example 1-38 at page 60 of the specification. Claims 1-19 read on the elected species. Applicants reserve the right to file divisional or continuation applications directed to any canceled subject matter.

CONCLUSION

No fees are believed due in connection with this Response. However, pursuant to 37 C.F.R. § 1.136(a)(3), the Commissioner is authorized to charge all required fees, fees under 37 C.F.R. § 1.17, and all required extension of time fees, or credit any overpayment, to Jones Day, U.S. Deposit Account No. 503013 (Order No. 129955-999004).

If the Examiner believes it would be useful to advance prosecution, the Examiner is invited to telephone the undersigned at (858) 314-1200.

Respectfully submitted,

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